

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of California  
Water Service Company (U 60 W), a Corporation,  
for an Order Authorizing It to Increase Rates  
Charged for Water Service at Each of Its  
Operating Districts to Recover Increased  
Operating Expenditures at Its General Office.

Application 01-09-062  
(Filed September 10, 2001)

And Related Matters.

Application 01-09-063  
Application 01-09-064  
Application 01-09-065  
Application 01-09-066  
Application 01-09-067  
Application 01-09-068  
Application 01-09-069  
Application 01-09-070  
Application 01-09-071  
Application 01-09-072  
Application 01-09-073  
Application 01-09-074

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON ELIGIBILITY TO SEEK INTERVENOR COMPENSATION**

This ruling finds that Aglet Consumer Alliance is eligible to claim  
intervenor compensation pursuant to Public Utilities (PU) Code Section 1801 et  
seq.<sup>1</sup>

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<sup>1</sup> All statutory references are to the PU Code.

## **A. Timeliness**

The intervenor compensation program, set forth in § 1801 et seq., allows eligible public utility customers to receive compensation for the reasonable costs they incur to participate in a Commission proceeding in which they have made a substantial contribution. A customer who intends to seek compensation must file and serve a notice of intent (NOI) to claim compensation within 30 days after the prehearing conference (PHC), or, where no PHC is scheduled, under a procedure determined by the Commission. (§ 1804(a)(1))

The second PHC was held on April 22, 2002, and Aglet submitted its NOI on April 26, 2002. The NOI is timely.

## **B. Customer**

To be eligible to claim intervenor compensation, a participant must be a “customer” as defined by PU Code § 1802(b). In Decision (D.) 98-04-059, the Commission instructed participants to demonstrate how they meet the statutory definition of customer:

“When filing its Notice of Intent, a participant should state how it meets the definition of customer: as a participant representing consumers, as a representative authorized by a customer, or as a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential customers. A group or organization should provide a copy of its articles or bylaws, noting where in the document it is authorized to represent the interest of residential ratepayers. (D.98-04-059, Conclusion of Law 5.)

“Groups should indicate in the Notice of Intent the percentage of their membership that are residential ratepayers. Similarly, a 'representative authorized by a customer' should identify in his Notice of Intent the residential customer or customers that authorized him to represent that customer.” (Id., Finding of Fact 12.)

Aglet states that it is an unincorporated, non profit association registered with the State of California, authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water, and telephone utilities in California. Aglet filed its articles and bylaws in an NOI filed on June 11, 1999 in Application 99-03-014. All of its members are residential utility customers.

Consistent with previous Commission decisions and rulings, Aglet meets the definition of customer.

### **C. Nature and Extent of Planned Participation**

The NOI must describe the nature and extent of the customer's planned participation. (§ 1804(a)(2)(A)(i)) Aglet states that it had or intended to file testimony, present expert witnesses, conduct discovery as appropriate, participate fully in hearings including cross examination; prepare briefs, and file comments. Aglet has complied with the requirement in § 1804(a)(2)(A)(i) to describe its planned participation.

### **D. Estimate of Compensation**

The NOI must include an itemized estimate of the compensation that the customer expects to request. (§ 1804(a)(2)(A)(ii)) To meet this requirement, Aglet estimated its total compensation request to be \$58,190, with specific estimates for experts' fees and other costs.

Aglet has complied with the requirement in §1804(a)(2)(A)(ii) to provide an itemized estimate of the compensation each expects to request.

### **E. Significant Financial Hardship**

To be eligible to claim compensation, a participant must demonstrate "significant financial hardship" as defined by § 1802(g). To make this demonstration, an organization that is authorized by its articles or bylaws to

represent customers must show that the economic interests of the individual members of the organization is small in comparison to the costs of participation. (D.98-04-059, *mimeo*. pp. 34, 35, and 37.)

A rebuttable presumption of a significant financial hardship is created by a ruling so finding within one year from the date the instant proceeding began. On July 23, 2001, Administrative Law Judge Thomas issued such a ruling in Investigation 01-04-002. Accordingly, Aglet has made the required showing.

**F. Conclusion**

Aglet is eligible to file a request for compensation in this proceeding.

**IT IS SO RULED.**

Dated May 30, 2002, at San Francisco, California.

/s/ MARIBETH ANN BUSHEY

Maribeth Ann Bushey  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Eligibility to Seek Intervenor Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 30, 2002, at San Francisco, California.

/s/ ERLINDA PULMANO  
Erlinda Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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